JC17 Rec'd PCT/PTO 1 3 JUL 2001

FORM (REV 1		00 (Modified) U.S. DEPART?	F COMMERCE PATENT AND TRADEMARK OFFICE	ATT Y'S DOCKET NUMBER				
	TRANSMITTAL LETTER TO THE UNITED STATES UCSD1140-1							
	DESIGNATED/ELECTED OFFICE (DO/EO/US)  U.S. APPLICATION NO, (IF KNOWN, SEE 37 O							
		CONCERNING A FILIN	G UNDER 35 U.S.C. 371	09/889251				
INTE		IONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED				
		PCT/US00/04663	23 February 2000	23 February 1999				
MET	ГНО]	NVENTION DS OF TREATMENT OF M T(S) FOR DO/EO/US	ITOCHONDRIAL DISORDERS	·				
		. Naviaux						
Appl	icant l	nerewith submits to the United Sta	tes Designated/Elected Office (DO/EO/US) the	ne following items and other information:				
1.	$\boxtimes$	This is a FIRST submission of i	tems concerning a filing under 35 U.S.C. 371					
2.			UENT submission of items concerning a filing					
3.	$\boxtimes$	This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include itens (5), (6), (9) and (24) indicated below.						
4.		The US has been elected by the expiration of 19 months from the priority date (Article 31).						
5.	×		ication as filed (35 U.S.C. 371 (c) (2))	•				
		a. is attached hereto (requ	ired only if not communicated by the Interna	tional Bureau).				
1		b.  has been communicated	by the International Bureau.					
II H		c. \( \times\) is not required, as the application was filed in the United States Receiving Office (RO/US).						
≟. ≓6.		An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).						
		a.  is attached hereto.						
Ī		b. has been previously submitted under 35 U.S.C. 154(d)(4).						
<b>≓</b> :7		Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))						
		a.   are attached hereto (required only if not communicated by the International Bureau).						
ď:		b.  have been communicated by the International Bureau.						
==! ==:		c. have not been made; however, the time limit for making such amendments has NOT expired.						
		d. A have not been made and will not be made.						
= 8. = 8.		An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).						
اند 9.	$\boxtimes$	An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). Unsigned						
1ð.		An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).						
11.	$\boxtimes$	A copy of the International Preliminary Examination Report (PCT/IPEA/409).						
12.	$\boxtimes$	A copy of the International Sear	ch Report (PCT/ISA/210).					
It	tems 1	3 to 20 below concern documen	t(s) or information included:					
13.		An Information Disclosure State	ement under 37 CFR 1.97 and 1.98.					
14.		An assignment document for rec	ording. A separate cover sheet in compliance	with 37 CFR 3.28 and 3.31 is included.				
15.		A FIRST preliminary amendment.						
16.		A SECOND or SUBSEQUENT preliminary amendment.						
17.		A substitute specification.						
18.		A change of power of attorney and/or address letter.						
19.		A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.						
20.		A second copy of the published international application under 35 U.S.C. 154(d)(4).						
21.		A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).						
22.	$\boxtimes$	Certificate of Mailing by Express Mail EL617043576						
23.		Other items or information:						

JC18 Rec'd PCT/PTO 1, 3 JUL 2001

U.S. A	PPLICAT	ION	NO. (IF KNOWN,	SEF	INTERNATIONAL A			D. (	)	ATTORNEY'S		
	U	7	<u> </u>	25	PCT/US	S00/0466	63			UCSI	D1140	)-1
24.			lowing fees are s						CA	LCULATIONS	S PTO	USE ONLY
BASI	BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)):  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO											
	Internat USPTO	ernational preliminary examination fee (37 CFR 1.482) not paid to PTO but International Search Report prepared by the EPO or JPO										
	The state of the s											
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)								\$690.00				
Ø	<ul> <li>✓ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)</li></ul>								_			
	ENTER APPROPRIATE BASIC FEE AMOUNT =									\$100.00		•
Surch: month	arge of \$	130.0 ne ear	0 for furnishing liest claimed pri	the oath or declar ority date (37 C	<del></del>	. 🗆 20	0	⊠ 30		\$130.00		
CL	AIMS		NUMB	ER FILED	NUMBER EXT	RA		RATE	<u> </u>			
Total	claims		27	- 20 =	7			\$18.00		\$126.00		
Indepe	endent cla	aims	4	- 3 =	11		x :	\$80.00	ļ	\$80.00		
Multip	ole Deper	ndent	Claims (check i			~~~		<u> </u>		\$270.00		
					ABOVE CALC			<u>S</u> =		\$706.00		
j C	Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.									\$353.00		
T.						SUB'	TOT	AL =		\$353.00		
Proces month	rocessing fee of \$130.00 for furnishing the English translation later than											
Ti				<del></del>	TOTAL NAT	IONAI	L FE	E =	<b></b>	\$353.00		
Fee fo	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).											
cell.	<u>-                                      </u>				TOTAL FEES	ENCL	OSE	<b>D</b> =		\$353.00		
								<del>:</del>	Amo	unt to be: refunded	\$	
										charged	\$	
	<b>X</b>	A ch	eck in the amou	nt of \$353	.00 to cover the	ahove fee	s is en	closed				-
a. b.		Please charge my Deposit Account No in the amount of to cover the above fees.										
c.		A duplicate copy of this sheet is enclosed.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment										
d.	to Deposit Account No. 50-1355 A duplicate copy of this sheet is enclosed.											
	information should not be included on this form. Provide credit card information and authorization on PTO-2038.											
					7 CFR 1.494 or 1.495 re the application to			net, a petiti	ion to	revive (37 CF)	R //	
SEND	SEND ALL CORRESPONDENCE TO:											
Lisa A. Haile, Ph.D.  Crow Corn Word Freidenrich LLP												
Gray Cary Ware Freidenrich LLP 4365 Executive Drive, Suite 1600						Lisa A. Haile, Ph.D.						
San Diego, CA 92121						NAME						
					38,347							
					REGISTRATION				N NUMBER			
					July 13, 2001							
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PATENT
ATTORNEY DOCKET NO.: UCSD1140-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Robert K. Naviaux

Serial No.:

Unassigned July 13, 2001

Filed: Title:

METHOD AND TREATMENT OF MITOCHONDRIAL DISORDERS

Commissioner for Patents Washington, D.C. 20231

## **DECLARATION OF MAILING BY "EXPRESS MAIL"**

I Mikhail Bayley declares as follows:

1. I reside at 4551 W. TAIMADGE	DR	and am an employee
of Gray Cary Ware & Freidenrich	LLP, 4365	Executive Drive, Suite 1600, San Diego, CA
92121-2189.		

- 2. On Of //3/2 v 0/, I deposited in the mail, "Express Mail Post Office to Addressee" service of the United States Postal Service the contents of the envelope for which "Express Mail" receipt No. EL617043576US was addressed to: Commissioner of Patents, Washington, D.C. 20231.
- 3. Attached hereto is a true copy of the "Express Mail" receipt no. **EL617043576US**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: 07/13/2001